

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 11

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte BRIAN JAMES TARBOX, BETHANY ROSE SCAER
and JEFFREY PHILLIP SNOVER

Appeal No. 2001-0374
Application No. 08/971,255¹

ON BRIEF

Before GROSS, BLANKENSHIP, and SAADAT, Administrative Patent Judges.

SAADAT, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the Examiner's final rejection of claims 1-18, which are all of the claims pending in this application.

We reverse.

¹ Application for patent filed November 17, 1997.

BACKGROUND

Appellants' invention is directed to a computer controlled user interactive display for graphically displaying portions of a communication network such as nodes and objects. The user selects the object attribute to be transiently displayed and activates a transient display of the selected attribute proximate to the object (specification, page 3). As shown in Figures 4 and 5, an attribute is selected by clicking on attribute window 87 which brings down attribute menu 88, from which the user makes a selection (specification, page 11). Next, the user chooses one of the objects so that the selected attribute for that object is displayed in transient display area 89 and proximate to object icon 80 (id.).

Representative independent claim 1 is reproduced as follows:

1. In a computer managed communication network with user interactive access via a plurality of display terminals and including a plurality of network objects, each respectively associated with one of a plurality of linked network nodes,

means for storing data representing attributes of said network objects,

means for graphically displaying on at least one of said display terminals, at least a portion of said linked network nodes and associated objects,

user interactive means for activating for a selected time period a transient display of a selected attribute of one of said displayed objects proximate to said object, and

user interactive means for selecting the attribute to be transiently displayed.

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The prior art references of record relied upon by the Examiner in rejecting the appealed claims are:

Nagai et al. (Nagai)	5,483,631	Jan. 9, 1996
Pitchaikani et al. (Pitchaikani)	5,684,988	Nov. 4, 1997
Gennaro et al. (Gennaro)	5,742,768	Apr. 21, 1998 (filed Jul. 16, 1996)
Mayo et al. (Mayo)	5,751,965	May 12, 1998 (filed Mar. 21, 1996)

Claims 1, 3, 4, 7, 9, 10, 13, 15 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagai in view of Pitchaikani.

Claims 2, 5, 8, 11, 14 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagai and Pitchaikani and further in view of Gennaro.

Claims 6, 12 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagai and Pitchaikani and further in view of Mayo.

Rather than reiterate the viewpoints of the Examiner and Appellants regarding the above-noted rejections, we make reference to the answer (Paper No. 10, mailed March 13, 2000) for the Examiner's reasoning, and to the brief (Paper No. 9, filed December 16, 1999) for Appellants' arguments thereagainst.

OPINION

With respect to the rejection of claims 1, 3, 4, 7, 9, 10, 13, 15 and 16 over Nagai and Pitchaikani, Appellants argue that the changeable colors of the displayed node in Nagai, as equated by the Examiner to transient displays, at best, would represent a transient value of a fixed attribute of the node (brief, page 4). Appellants point out that Nagai neither discloses transient display of a selected attribute nor provides for means for selecting the attribute or the time period for its transient display (id.). Additionally, Appellants argue that Pitchaikani merely discloses that the stored values corresponding to attributes of network objects may be accessed and displayed in a standard pop-up window (brief, pages 4 & 5). Appellants further assert that Pitchaikani provides no teaching or suggestion for modifying Nagai and displaying the objects of a network and the transient displaying of their attributes for a defined selected time period (brief, page 5).

In response to Appellants' arguments, the Examiner asserts that Nagai provides for displaying a selected object attribute as a distinct color according to the status value corresponding to that object (answer, page 12). The Examiner, however, recognizes that the user interactive means for selecting the attribute to be

transiently displayed is absent in Nagai and asserts that Pitchaikani discloses such user selection as steps 508 and 510 in Figure 5 (id.). The Examiner further relies on the user selection of reset button 312 in pop-up window 300 in Figure 3 of Pitchaikani (answer, page 13) and concludes that the window is displayed in a transient manner as the user selection [of reset] dismisses the window and permits its display for a selected period of time (answer, page 14).

In rejecting claims under 35 U.S.C. § 103, the Examiner bears the initial burden of presenting a prima facie case of obviousness. See In re Rijckaert, 9 F.3d 1531, 1532, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993). To reach a conclusion of obviousness under § 103, the examiner must produce a factual basis supported by teaching in a prior art reference or shown to be common knowledge of unquestionable demonstration. Our reviewing court requires this evidence in order to establish a prima facie case. In re Piasecki, 745 F.2d 1468, 1471-72, 223 USPQ 785, 787-88 (Fed. Cir. 1984). The Examiner must not only identify the elements in the prior art, but also show "some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead the individual to combine the relevant teachings of the references."

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In re Fine, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

Turning to Nagai, we find that the reference discloses a display system for management of a communication network in which color data corresponding to the status values of specific network objects may be displayed in a display location corresponding to the object (Fig. 10 and col. 6, lines 38-43). Nagai further sets forth the process for providing the object display data, in col. 4, lines 8-17 and Figures 1 and 2, by stating:

First, prior to the operation of the network management/display processing system, a user at the display unit 103 sets colors of elements in the communication network to be displayed on the CRT 113 according to their status values (administrative state value, operational state value and severity) as shown in a state display color matrix table in FIG. 3, using the keyboard 120 and the display-presentation-system setter 119 (step 201) to store the set data in the screen configuration/display data base 115 (step 202).
(Emphasis added).

Therefore, Nagai requires that setting the colors that correspond to status values of the objects in a table before operating the network data display. Additionally, as acknowledged by the Examiner (answer, page 12), the user in Nagai sets the identifier colors of elements according to their status values. Nagai, in fact requires the user to determine all the colors associated with specific status values in a table for display instead of

interactively selecting the attribute to be transiently displayed for a selected time period.

Pitchaikani, on the other hand, relates to acquiring and displaying object attribute data from a database in a pop-up window by identifying the agent running on a device and its corresponding objects. As depicted in Figures 1 and 5, after signals indicative of the agent and the corresponding objects are sent by the display mechanism 120, values corresponding to the objects are retrieved and displayed in a pop-up window (col. 7, lines 10-41). The pop-up window is shown in Figure 3 as containing network code 302, device description 304, attribute category 306 and attribute identifiers/values 308/310 (col. 11, lines 1-13). The pop-up window further includes reset button 312 which causes new values to be retrieved and displayed for attributes 308 in attribute value area 310 (col. 11, lines 13-22).

Although we acknowledge that Pitchaikani's reset button modifies the content of the pop-up window, it neither selects the attribute to be transiently displayed nor activates for a selected time period a transient display of a selected attribute. Therefore, contrary to the Examiner's proposed combination of the pop-up window of Pitchaikani with the data display system of

Nagai, we do not find any teaching or suggestion in the prior art that supports the obviousness of the claimed user interactive means for activating a transient display of a selected attribute and for selecting the attribute to be transiently displayed. The Examiner has further failed to establish how the user selection of the reset button, which only updates the same types of values for the same displayed attributes, may be equated to the limitation of user selecting the attribute to be transiently displayed, as recited in independent claims 1, 7 and 13. Similarly, the updating of the displayed attribute values, as disclosed by Pitchaikani, neither teaches nor suggests the claimed "activating for a selected time period a transient display of a selected attribute" of a displayed object proximate to that object since the reference passively displays all the attributes and their values in one pop-up window.

Based on our analysis above, we find that the Examiner has failed to set forth a prima facie case of obviousness because Nagai and Pitchaikani neither teach nor would have suggested to one of ordinary skill in the art selecting the attribute to be displayed and activating a transient display of that attribute for a selected time period. Accordingly, we do not sustain the

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rejection of independent claims 1, 7 and 13, nor of claims 3, 4, 9, 10, 15 and 16 dependent thereon.

With respect to the rejection of claims 2, 5, 8, 11, 14 and 17, the Examiner further relies on Gennaro for teaching an embedded menu in a web browser for displaying a plurality of links (answer, page 8). Additionally, in rejecting claims 6, 12 and 18, the Examiner combines Nagai and Pitchaikani with Mayo which discloses a representation of a relationship among entities in a communications network based on their interface conditions. However, neither Gennaro nor Mayo provide any teaching related to the claimed selecting the attribute to be displayed and activating a transient display of that attribute for a selected time period and fail to overcome the deficiencies of Nagai and Pitchaikani as discussed above. Therefore, the 35 U.S.C. § 103 rejection of claims 2, 5, 6, 8, 11, 12, 14, 17 and 18 cannot be sustained.

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CONCLUSION

In view of the foregoing, the decision of the Examiner to reject claims 1-18 under 35 U.S.C. § 103 is reversed.

REVERSED

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ANITA PELLMAN GROSS)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
HOWARD B. BLANKENSHIP))
Administrative Patent Judge)	APPEALS AND
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